



# SJR 32 Subcommittee on Medical Liability Insurance Interim Committee

## 58th Montana Legislature

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### SENATE MEMBERS

JOHN COBB  
BRENT CROMLEY  
DUANE GRIMES  
DEBBIE SHEA

### HOUSE MEMBERS

GEORGE GOLIE--Chair  
ROY BROWN  
KATHLEEN GALVIN-HALCRO  
DON ROBERTS

### COMMITTEE STAFF

DAVE BOHYER, Research Analyst  
JOHN MACMASTER, Staff Attorney  
DAWN FIELD, Secretary

## TENTATIVE AGENDA

**SJR 32 SUBCOMMITTEE ON MEDICAL LIABILITY INSURANCE**  
**Thursday, June 24, 2004 8 a.m. Room 137, State Capitol**

Time  
Approximate  
8 a.m.

I. **Call meeting to order, roll call; Chairman's comments:** Rep. George Golie, Chairman, will call the meeting to order, outline the day's activities and processes, and describe the product(s) that he envisions as a result of the day's activities.

8:05 II. **Approve minutes from March 25, 2004 meeting**

8:08 III. **Subcommittee executive work session:** Rep. Golie and members  
The Subcommittee members will review, discuss, and take action on the draft bills requested at the March 25 meeting of the Subcommittee. Rep. Golie intends to adhere to legislative standing committee procedure for executive action, including:

- stakeholders will be permitted to comment on the draft legislation;
- each individual piece of draft legislation must be moved prior to Subcommittee discussion;
- amendments must be moved by a Subcommittee member. Conceptual amendments for minor changes may be accepted to advance Subcommittee discussion or action, but not for any major changes that significantly change the intent of the legislation; and
- each bill draft will be subject to a roll call vote.

A. LC 5001W: Revise "ostensible agency" in re medical liability  
B. LC 5002W: Revise payment of lost wages/medical expenses prior to determining liability  
C. LC 5003W: Eliminate ability of third-party claimant to bring an action for bad faith in connection with medical liability; a.k.a. "Third party bad faith"  
D. LC 5004W: Revise "Captain of the ship" doctrine with respect to medical liability  
E. LC 5005W: Revise "loss of chance" doctrine with respect to medical liability  
F. LC 5006W: Revise the purposes and processes of the Montana Medical Legal Panel  
G. LC 5007W: Making expressions of sympathy inadmissible as evidence of an admission of medical liability  
H. LC 5008W: Statutorily establish qualifications for medical malpractice expert witnesses  
I. LC 5009W: Establish a joint underwriting association consisting of all medical malpractice insurers in the state  
J. LC 5000W: Create the Health Care Liability and Injured Patients Compensation Act (a Montana version of the Wisconsin Act of the same name)

**The Subcommittee will break as considered advisable by the chairman or members.**

< < < Agenda continued on reverse side of page > > >

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**(continued)**

Time  
Approximate

- 4:00    **IV. Other Stakeholders in Medical Malpractice Liability Insurance**  
Anyone wishing to present relevant information to the Subcommittee is invited to comment at this time. Comments on or information relating to the draft legislation is considered to be relevant to the Subcommittee's activities.
- 4:30    **V. Committee administration**
- Member issues
  - Instructions to staff
  - Other matters
- 5:00    **VI. Adjourn**

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